

SOUTHERN RAILWAY
WILL CONTEST LAW

Prepared to Resist Two
Cent Rate Ordered
by Commission.

TAKE QUESTION
TO STATE COURT

Company Will Attack Decision
on the Ground That the Cor-
poration Commission Is Not
a Valid Body—Other
Roads Likely to
Join Fight.

BY WALTER EDWARD HARRIS.
WASHINGTON, D. C., May 2.—The
Southern Railway will test in the court
the constitutionality of the decision of
the Virginia Corporation Commission,
requiring the Southern, the Chesapeake
and Ohio, the Norfolk and Western,
the Seaboard Air Line, the New York,
Philadelphia and Norfolk, and the
Richmond, Fredericksburg and Potomac
to charge only two cents a mile
for passenger transportation.
The announcement that the Southern
will take the matter to the courts is
not officially made, but the information
is correct. It is understood that the
decision of the commission will be
attacked on the ground chiefly,
that the Virginia Corporation Commission
is not a valid body, in that while
it is ostensibly a court, its duties are
legislative and executive, as well as
judicial. The fact that the commis-
sion can propose a rate, can pass upon
the reasonableness of the rate, having
hearings as preliminary thereto, and
can then promulgate and compel the
charging of the rate thus fixed, will
be relied upon to establish the con-
tention that the legislative, judicial
and executive functions of government
are mixed up, mingled, confused and
blended in a manner thoroughly re-
pugnant to the Constitution.
It is believed the question will first
be taken to the State court for ad-
judication, with a view on the part
of the railroad, at least, of carrying the
case to the Supreme Court of the
United States.
Whether the other roads in Virginia
affected by the decision of the commis-
sion will take the case to the courts
is not known, but it is presumed they
will unite in making common cause
against the order, as they have stood
together heretofore in resisting efforts
of the Legislature to compel a two-
cent rate, and did succeed in having
the State courts declare the two-cent
rate bill enacted by the Legislature un-
constitutional.
A Southern Railway man said to-day
that he did not credit the story in
circulation to the effect that several
of the railroads of Virginia had de-
cided to accept the two-cent law, ac-
tually going to the length of having
the 500-mile two-cent books printed,
and that he had never heard the story
and did not believe it true.

STEVENS NOT
READY TO TALK

President of C. and O. Says Road
Has Not Formulated Its
Policy in the Matter.

The indications are that the leading
railroads of Virginia will appeal from
the order of the State Corporation
Commission promulgating a flat rate
of two cents per mile, effective July
1st. While no official announcement
from the executive of the roads has yet
been made, it is reported that the
Southern and the Seaboard Air Line
will contest the matter in the courts,
and in that event it is not improbable
that the Chesapeake and Ohio and pos-
sibly the Norfolk and Western will
await the result of such an appeal.
President George W. Stevens, of the
Chesapeake and Ohio Railroad, was
asked yesterday whether that com-
pany had yet formulated its policy in
this matter. He was engaged in read-
ing the order of the commission when
the press representative entered. In
reply to a question he stated that he
had just returned to the city, and had
not conferred with Mr. Wickham, the
attorney for the company, and that
he was not prepared to make any
announcement at this time. He stated
that it would probably be ten days
before anything positive could be
stated. Mr. Stevens added significantly
that there was plenty of time before
the order became effective, and that
he might be just as well to wait and see
what the other roads are going to
do.
Meanwhile the public will await with
intense interest the decision of the
railway companies in this matter.
There is an almost universal demand
for the lower rate, and the promulga-
tion of the order was received with
expressions of approval by the people
generally. The commission's order goes
farther than the order of the State
court, which merely required the sale of mile-
books, whereas the order just issued
applies to tickets for even short dis-
tances.
**DROPPED DEAD WHEN
HUSBAND WAS ARRESTED**
PHILADELPHIA, PA., May 2.—
Frightened by a policeman entering her
home to arrest her husband, Mrs. Joseph
Hess, aged forty-six years, dropped
dead to-day. Anthony Hess, the
husband, ran away on a bicycle with a
bag of money. The child was taken to a
hospital, and his condition growing
worse, the police decided to arrest the
father. As the woman saw the police-
man enter the house she fell to the
floor unconscious. The policeman
tried to revive her, but she was dead.
The husband's arrest has been deferred.

Guilty of Dynamiting.
WILKESBARRE, PA., May 2.—Joe
Charnock, who was on trial here
charged with dynamiting the
Congregational Church at Edwinstown,
near here, two years ago, was this af-
ternoon found guilty. He will be sen-
tenced Saturday.

ROOSEVELT PRAISES
NAME OF MCCLELLAN



EQUESTRIAN STATUE OF GEN. GEO. B. MCCLELLAN.
Unveiled at Washington yesterday by the veterans of the Army of the
Potomac.

Pays Fine Tribute to Sol-
dier as the Equestrian
Statue is Unveiled.

WIDOW AND SON
GUESTS OF ARMY

Address on War and Peace by
the President in Which He
Refers to Lee and Stone-
wall Jackson as Heroes
Along with McClellan
and the Rest.

WASHINGTON, May 2.—With ap-
propriate civic and military ceremonies
and in the presence of a distinguished
audience, the heroic equestrian statue
in bronze of Major-General George B.
McClellan, erected under the auspices
of the Army of the Potomac, was un-
veiled here to-day. President Roose-
velt made the principal speech, and
with General Frederick D. Grant on his
right and Governor Stokes, of New
Jersey, on his left, reviewed an im-
posing military parade of regulars and
militia. Mrs. McClellan, the general's
widow; Mayor George B. McClellan, of
New York, son of the general, and Dr.
George McClellan, a nephew, who pulled
the string releasing the flags in
which the statue was enveloped, ac-
companied the President. The diplo-
matic corps, the army and
navy and civil military were largely
represented.
Brigadier-General Henry C. Dwight,
United States Volunteers, the presi-
dent of the Society of the Army of the
Potomac, presided.
The President delivered a typical
speech, in which he touched upon a
variety of subjects, including war, peace,
national pride, the family and the
qualities that make for brotherhood
and fraternity. After extending a greet-
ing on behalf of the nation to Mrs.
McClellan and others, the President
said:
The President's Speech.
"To General McClellan was given
command in some of the hardest-fought
battles and most important campaigns
in the great war of this hemisphere,
so that his name will be forever link-
ed with the mighty memories that
arise when we speak of Antietam and
South Mountain, Fair Oaks and Mal-
vern, so that we never can speak of
the great Army of the Potomac with-
out having before us the figure of
General McClellan, the man who
organized and first led it. There was
also given to him the peculiar gift,
one that is possessed by but very
few men, to combine the qualities that
won him the enthusiastic love and ad-
miration of the soldiers who fought
under him and under him, and the
qualities that in civil life endeared
him peculiarly to all who came in con-
tact with him.
One Country To-Day.
"We have become accustomed to ac-
cepting as a matter of course certain
things which would be well-nigh im-
possible in any country save ours; so
that it seems most natural that the
President of the United States when
he drives down to take part in a cele-
bration like this should have as his
personal aides both the sons of the men
who were the blue and the sons of the
men who were the gray.
"As Americans, when we glory in
what was done under Grant, Sherman,
Thomas, Sheridan, McClellan, Farragut,
we can no less glory in the valor and
the devotion to duty, as it was given
to them to see the duty, of the men
who fought under Lee and Stonewall
Jackson and the Johnstons and Stuart
and Morgan.
The Peace to Seek.
"We have listened recently to a
great deal of talk about peace. It is
the duty of all of us to strive for
peace, provided that it comes on the
right terms. I believe that the man
who really does the best work for his
State in peace is the very man who
at need, will do well in war. If peace
(Continued on Second Page.)

MISS LOVING'S SAD
LETTER GIVEN OUT

Counsel Says She Never
Expressed Amazement
at Father's Act.

STATEMENT FROM
JUDGE'S LAWYER

Mr. Aubrey E. Strode Declares
No Such Inference as Tele-
graphed from Charlottesville
Can Be Drawn from Girl's
Letter to Sympathizing
Friend.

[Special to The Times-Dispatch.]
WINCHESTER, VA., May 2.—Mr. Au-
brey E. Strode, counsel for Judge W.
G. Loving, who shot and killed Theo-
dore Estes, says Miss Elizabeth Lov-
ing did not write the letter exonerat-
ing Estes from mistreatment of her.
Telegrams sent out from Charlot-
tesville stated that Miss Loving had writ-
ten to a friend there expressing amazement
at her father's action.
Mr. Strode, in a formal statement
given out this evening, says:
"In accordance with what they
conceived to be the proprieties of
their situation, Judge and Miss
Loving have remained in seclusion
since the occurrence of the un-
fortunate affair, and, as counsel, I
have observed my uniform rule of
saying nothing for publication
about such cases in which my pro-
fessional services have been re-
tained.
"It would have been much pre-
ferred that nothing should have
made it necessary to break that
silence until the opportunity came
to have all the facts on both sides
presented in an orderly fashion in
court, where justice may be done
all concerned.
"The publication broadcast, how-
ever, doubtless without ulterior mo-
tives and without evil design, of
many misleading, prejudicial and
untrue reports about this case, cul-
minating this week in the dispatch
under a Charlottesville headline,
compels this statement. Miss Lov-
ing has written no such letter. The
letter upon which the dispatch
is based is given out in full, and
a simple reading of it will demon-
strate how entirely unfounded were
the inferences drawn from it. It is
not the purpose of the defense to
appear again in print in any con-
nection, and this appearance is
made only to point out and illus-
trate what injustice may be done
by newspaper reports, and that it
is only fair that judgment should
be suspended until the full pre-
sentation of the case in court,
when Judge Loving feels that his
course will be justified."
Miss Loving's letter, written evi-
dently under great strain, is as fol-
lows:
"Thank you, Louise; thank you
more than I can tell you, for writ-
ing. The different papers have
published so many different things
that I have to hold my head tight
to think what really did happen.
Oh, Louise, I am so miserable. It
seems that my life is one dark
blank. I am trying to stand it for
father's sake, for you know it will
all nearly rest on me. God and
the truth can alone help me. Oh,
Louise, will you pray for me? Will
you get down on your knees and
ask God to help us? At times I
think that my life is one dark
blank. I wish I could see you;
you would be such a comfort to
me; but I am believing that your
heart is with me, anyway.
My brave, brave little mother is
bearing up wonderfully; there
never was another such woman on
earth as she is.
"Letters and telegrams have been
coming for three days, and they
are such comforts. It's such a
comfort to know that in this, the
darkest time of our lives, there
are friends who are true, and who
will stand up for us through the trou-
ble. But, oh, Louise, just think of
it; just think of it. I have
been here since the first, you know,
and I don't see how we could have
stood it without her. Then
is here to manage everything. He
is a comfort beyond words.
But, oh, Louise, how he is out
on bail, and now, if we can just
get his nerves straightened out,
I hadn't seen him until yesterday;
he came up here and put his poor,
weak arms around me and told me
to be brave. Oh, Louise, isn't it
awful? Sometimes when I feel I
can't live any more, if it's not
too much trouble, will you
write me occasionally? It will
help me so much to know you are
praying for me and thinking about
us. Oh, Louise, Louise, think of
it; think of it.
"Thursday." "ELIZABETH."

MISS LOVING'S LETTER

NEW YORK, May 2.—Members of
the fashionable St. George's Episcopal
Church, at Hempstead, L. I., were as-
tonished to-day when they learned that
their pastor, Rev. Knobe Cooke, had
departed from Hempstead, and that
Miss Floretta Whaley also had left
her home and had written letters say-
ing she would not return. Rev. Mr.
Cooke is married to Matilda, daughter
of R. A. Clarke, of Hartford, Conn.
Bishop Burgess, of the Diocese of
Long Island, says that immediate ac-
tion will be taken by the vestry of St.
George's Church to fill the vacancy
caused by the departure of Mr. Cooke.
"The vestry is overwhelmed by the
unexpected calamity," said Bishop Bur-
gess, "and is at a loss to account for it.
It is inclined to the belief that Dr.
Cooke cannot be of sound mind."
"He obtained a leave of absence a
year ago, and went to Europe to re-
cuperate; but his condition since his
return has been poor. The church and
its property are in the best of con-
dition."
Girl Loved the Rector.
According to stories which were cir-
culated freely in Hempstead to-day,
the infatuation of the minister for
Miss Whaley has been apparent for
some time, and was the direct cause
of Mrs. Cooke leaving for her father's
home.
It is said that the young woman's
grandmother, with whom she made her
home, became aware of the infatuation
some time ago, and asked the minister
to cease his visits to her home. Miss
Whaley left her home several days
ago, saying she intended to visit
friends in this city. A little later the
grandmother received a letter, saying
that when it was received "they"
would be out of the country.
Mr. Cooke Was Popular.
Mr. Cooke was popular during his
pastorate in Hempstead, and also was
very successful in a financial way.
In the five years since he came to
Long Island from Grace Church, Bal-
timore, where he had been as a curate,
he had raised nearly \$100,000 in his
parish. With this money he built a
parish-house, made extensive improve-
ments in the church edifice, and had
begun improvements on the Sunday-
school building. He is a man of pleas-
ing presence and a good talker.
Miss Whaley, the missing young
woman, has a fortune said to amount
to \$125,000, which came to her at her
father's death.
**DURHAM HOTEL
A TOTAL LOSS**
The Carolina Destroyed by Fire
and Guests Have Narrow
Escape.
RALEIGH, N. C., May 2.—Fire to-
night destroyed the Hotel Carolina at
Durham, a four-story structure located
in the centre of the city, entailing a
loss of \$125,000, fully covered by in-
surance. There were fifty or seventy-
five guests, all of whom escaped with-
out injury. Some of them escaped in
their night clothes, losing all of their
possessions.

PRETTY MADELINE
SAYS SHE LOVES HIM



MISS MADELINE DEMPSEY.
Fredericksburg girl who was missing two weeks, and who was yesterday
located in Winchester by her father. She was taken there by a man who
represented himself as her "uncle."

CHISOLM PLEADS
INSANITY DEFENSE

Mother of Bank Defaulter Goes
on Stand to Save Him
from Prison.

SAYS MIND IS UNBALANCED

Attorney for First National of
Birmingham Tells of the
Confession.

BIRMINGHAM, ALA., May 2.—At the
opening of the second day of the trial
of Alexander R. Chisolm, former pay-
ing teller of the First National Bank
of Birmingham, under indictment for
embezzlement of \$100,000 from the
bank, alleged to have been lost in
cotton speculation, Walker Percy, a di-
rector and attorney for the bank, gave
the details of Chisolm's confession Aug-
ust 15th last, when he was confront-
ed by evidence of his shortage.
He confessed, the witness said, and told
the story of his speculations, using the
name of S. M. Webster in trading, hav-
ing said, declared the witness, that the
manager for the brokerage firm had
suggested that he use an assumed
name.
The government rested after Mr.
Percy had concluded, and the defense
began by placing Mrs. Robert Chisolm,
mother of the defendant, on the stand.
She testified that she was a great-
great-granddaughter of the late Chief
Justice John Rutledge, and that he
became insane during the last year of
his life; also that Justice Rutledge
had a grandson in Charleston, S. C.,
who became mentally unbalanced, and
had a mania for setting fire to houses.
She said that prior to August, 1905,
when the defendant had typhoid fever,
he had been of a bright and cheerful
nature, but since that time has been
morose. Since his trial last fall the
family had sent him to the State In-
sane hospital to have his mind treated,
but were constantly afraid to allow
him to venture away from home.
**SENATE WON'T
OUST KELSEY**
Rejects Governor Hughes's Re-
commendation by Majority
of Three Votes.
ALBANY, N. Y., May 2.—The State
Senate to-night rejected Governor
Hughes's recommendation for the re-
moval of Otto Kelsey as superintendent
of insurance. The vote stood—ayes,
24; noes, 27.
The debate was not concluded until
after midnight.
The Governor's action in asking Kel-
sey's removal was warmly supported
by a number of Senators, and as hotly
criticized by others.
All day and evening the arguments
continued. Minority Leader Grady,
Democrat, taking most of the evening
defending Kelsey.
Party lines were cast aside in the
debate, Republicans being divided in
their attitude.
To Hampton Roads.
LOHRENT, FRANCE, May 2.—The
French armored cruiser Victor Hugo
will sail for Hampton Roads, May 6th,
arriving there by May 20th.

OPENING CONCERT
BRILLIANT ONE

Music Festival of Wednes-
day Club Auspiciously
Begun With Oratorio.

FINE RENDITION
OF "THE CREATION"

Large and Cultured Audience
Greets the Eminent Artists
Participating in Magnificent
Production of Haydn's
Masterpiece; "Samson et
Delilah" for To-Night.

TO-DAY'S FEATURES
OF MAY FESTIVAL

Matinee by Children's Chorus, with
Mrs. Williams and Mme. Milford as
soloists.
To-night—Saint-Saens's three-act
opera, "Samson et Delilah," with
Mme. Milford, Mr. E. de Gogorza and
Mr. Walker in the leading roles.
The fourteenth annual music festival
of the Wednesday Club was inaugu-
rated last evening with the rendition
of Haydn's great oratorio, "The Cre-
ation," before an audience that not only
taxed the capacity of the spacious
Academy of Music, but was thoroughly
representative of the social, intellectual
and musical life of the city. It would
be no exaggeration to say that it
was the most auspicious opening night
in the history of the club, and gives
every promise of being the most suc-
cessful season the organization has
yet experienced. Everything contrib-
uted to make it so. The work that
was sung is one of the world's great-
est oratorios, the artists engaged have
a national reputation, the Boston Festi-
val Orchestra is second to none of
its class, and the members of the Wed-
nesday Club, under the able leadership
of Dr. Peters, did themselves proud,
and it would be impossible to praise
too highly the finish and perfection
of execution of the difficult work they
had undertaken.
"The Creation" was the first and
greatest oratorio that Haydn gave to
the world, and achieved widespread
fame from its first public rendition in
England. Since that time until thirty
years ago it was second to none, save
"The Messiah," in popularity. It is
noteworthy for its unusual art, its
simple and yet dramatically power-
ful recitatives and its inspiring and
joyful choruses that reach grandeur
and approach sublimity.
The interpretation of oratorio music
is far more trying on a chorus than
opera, from the reason that the singers
are unaided by scenic effect and ac-
tion and have to rely solely upon in-
dividual and combined vocal merit,
aided by orchestral effects.
The work of the Wednesday Club in
last night's performance showed mark-
ed improvement over that of last sea-
son, and reflects the highest credit
upon the able and efficient director,
who has labored untiringly for months.
His skilful training and the co-opera-
tion of the individual members were
responsible for a higher degree of
perfection than ever has yet been
attained. The chorus showed a
precision of attack that was commenda-
ble, and sang with praiseworthy
vigor, enthusiasm and feeling.
The artists were selected with espe-
cial view to their fitness for orato-
rio singing and were well received,
though all were strangers to Rich-
mond audiences. Mme. Corinne Ryder-
Kelsey displayed a pure soprano of
great range and dramatic quality, and
her clearness of enunciation, phrasing
and intonation were marked features
of her singing. She was heard to best
advantage in the beautiful aria, "With
Verdure Glad," and was forced to bow
her acknowledgments several times to
her delighted listeners.
Mr. Henri Scott is a bass singer of
feeling and power, and his work in
the recitatives of the second and third
parts and in the duets with Mme. Ry-
der-Kelsey was superb. Mr. Dan Bed-
doe is the possessor of a robust, sweet
tenor that he used with fine effect,
and was fairly entitled to share honors
with the other two artists. He was
at his best in the recitative intro-
ductory to the third part: "In Rosy
Mantle Appears the Morning Young
and Fair."
The Boston Festival Orchestra, con-
ducted by Dr. Peters, furnished the
orchestration, which was singularly
beautiful and effective, and it is doubt-
ful whether this splendid organiza-
tion could be replaced by any other
in the hearts of the music-lovers of
Richmond.
The large audience was lavish in
its expression of appreciation of the
work of club and artists, and their
applause was prolonged and hearty.
**AUDIENCE WAS
BRILLIANT ONE**
Opening Concert Noteworthy as
Social Event of the
Season.
The social features of the Wednes-
day Club concert last night were un-
usually brilliant. A greater number of
elegantly attired women, who, with
their attendants, constituted a large
and fashionable audience. Among the
box occupants were Miss Louise Mc-
Adams, Miss Louise Purcell, Mr. W. C.
Noland, Miss Helen Stevens, Mr. George
W. Stevens, Mrs. Mary Adams, Dr.
Lawrence T. Price, Dr. J. A. White,
Professor Reinhardt, Mr. and Mrs. W.
S. Mayo, Mr. and Mrs. Stewart
Hume, Mr. and Mrs. John K. Branch,
Mrs. Levin Jones, Miss Mary Traversa,
Dr. and Mrs. J. Allison Hodges, Miss
Harris, Mrs. Archie Patterson, Mr. and